

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-6 are pending in the application, with claims 1, 4, and 5 being the independent claims. Claims 1 and 2 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 101

The Office Action rejected claims 1-3 under 35 U.S.C. § 101 as being "directed to non-statutory subject matter." (Office Action at p. 2.)

Accordingly, Applicants have amended independent claim 1 to recite (emphasis added):

A ***computer-based*** method for valuating natural gas futures and options contracts using weather-based metrics, comprising the steps of:

- (1) receiving, ***via a graphical user interface***, an input from a user indicative of the number of monthly gas contracts desired for a period of time;
- (2) receiving, ***from a first database stored in a memory***, historical weather information for at least one basket of cities during said period of time;
- (3) receiving, ***from a second database stored in said memory***, future weather information for said basket of cities during said period of time;
- (4) receiving, ***from a third database stored in said memory***, historical natural gas inventory information for said basket of cities during said period of time;
- (5) receiving, ***from a fourth database stored in said memory***, historical gas futures contract price information for said period of time;
- (6) applying, ***at a server***, a series of regression analyses to obtain a predicted baseline value for each of the monthly gas contracts within said period using said

received historical weather, future weather, historical natural gas inventory, and historical gas futures contract price data;

(7) receiving, ***from a data feed***, live exchange data which indicates the current price for each of the monthly gas contracts within said period of time;

(8) applying, ***at said server***, a series of recommendation rules to said baseline value, using said received live exchange data; and

(9) providing, ***via said graphical user interface***, said user with a recommendation for each of the monthly gas contracts within said period of time, wherein said recommendation reflects said user inputted desired number of contracts.

As amended, independent claim 1 more precisely recites structures of a computer system that performs the functions of the method. Claim 2 has been amended in a similar manner. Claims 2 and 3 depend directly from claim 1. Therefore, Applicants respectfully request that the Examiner reconsider and remove his rejections of claims 1-3 under 35 U.S.C. § 101.

Allowable Subject Matter

The Office Action states that "[c]laims 4-6 are allowable over the prior art record." (Office Action at p. 3.)

Outstanding IDS Submission

An Information Disclosure Statement (IDS) was timely submitted on September 23, 2003, but has not yet been considered. Applicants request consideration of the documents listed on the thirteen pages of Form PTO-1449 filed with this IDS. A copy of each of the submitted thirteen pages of Form PTO-1449 is included herewith for convenience.

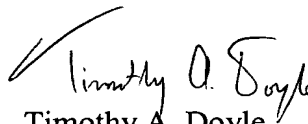
Conclusion

All of the stated grounds of rejection have been properly accommodated. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

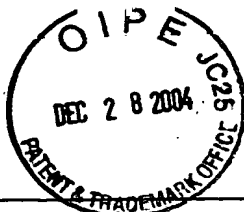
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Timothy A. Doyle
Attorney for Applicants
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Date: 28 DEC 04

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	APPLICANTS Machado Jr. et al.	
	FILING DATE August 18, 2000	GROUP 3621

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	3,808,410	04/1974	Schlesinger	235	156	
	AB1	4,015,366	04/1977	Hall, III	47	1	
	AC1	4,040,629	08/1977	Kelly	273	278	
	AD1	4,218,755	08/1980	Root	364	900	
	AE1	4,766,539	08/1988	Fox	364	401	
	AF1	4,784,150	11/1988	Voorhies et al.	128	664	
	AG1	5,063,506	11/1991	Brockwell et al.	364	402	
	AH1	5,128,861	07/1992	Kagami et al.	364	403	
	AI1	5,128,862	07/1992	Mueller	364	405	
	AJ1	5,130,925	07/1992	Janes et al.	364	420	
	AK1	5,140,523	08/1992	Frankel et al.	364	420	

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	01-236396	09/1989	JP	G07G	1/14	
	AM1	01-259488	10/1989	JP	G07G	1/12	
	AN1	02-268396	11/1990	JP	G07G	1/14	
	AO1	02-299059	12/1990	JP	G06F	15/20	
	AP1	04-077896	03/1992	JP	G07G	1/12	

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	1	Banham, R., "Reinsurers Seek Relief in Computer Predictions", August 1993, pp. 14-16, 18-19, XP002082269, p. 14, col. 1, line 1, col. 2, line 29.
	AS	1	Best, D.L. and Pryor, S.P., <i>Air Weather Service Model Output Statistics System Project Report</i> , United States Air Force, Entire Report submitted (October 1983).
	AT	1	Brennan, P.J., "Portfolio Managers Weather Global Risk Management Challenge," <i>Wall Street Computer Review</i> , Dealer's Digest, pp. 20-22, 24, 54 and 56 (October 1989).

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	5,168,445	12/1992	Kawashima <i>et al.</i>	364	403	
	AB2	5,189,606	02/1993	Burns <i>et al.</i>	364	401	
	AC2	5,208,665	05/1993	McCalley <i>et al.</i>	358	86	
	AD2	5,237,496	08/1993	Kagami <i>et al.</i>	364	401	
	AE2	5,250,941	10/1993	McGregor <i>et al.</i>	340	825.65	
	AF2	5,253,165	10/1993	Leiseca <i>et al.</i>	364	407	
	AG2	5,283,865	02/1994	Johnson	395	161	
	AH2	5,295,064	03/1994	Malec <i>et al.</i>	364	401	
	AI2	5,295,069	03/1994	Hersey <i>et al.</i>	364	419.17	
	AJ2	5,309,355	05/1994	Lockwood	364	401	
	AK2	5,377,095	12/1994	Maeda <i>et al.</i>	364	401	

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	04-135271	05/1992	JP	G06F	15/21	
	AM2	04-353970	12/1992	JP	G06F	15/24	
	AN2	05-189406	07/1993	JP	G06F	15/20	
	AO2	06-076161	03/1994	JP	G07G	1/06	
	AP2	06-149833	05/1994	JP	G06F	15/21	

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	2	Cave, T., "Weather Service Is A Boon To System Dispatchers," <i>Transmission & Distribution</i> , Intertec, pp. 165-166 and 168-169 (August 1991).	
AS	2	<i>Demand Modeling & Forecasting System Product Description</i> , Printed from DIALOG File No. 256, 1 page (August 1984 - Product Release Date).	
AT	2	<i>Down to Earth Sales Analysis 3.1 Product Description</i> , Printed from DIALOG File No. 256, 1 page (April 1989 - Product Release Date).	

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3	5,491,629	02/1996	Fox et al.	364	20	
	AB3	5,521,813	05/1996	Fox et al.	364	401	
	AC3	5,796,932	08/1998	Fox et al.	395	161	
	AD3	5,832,456	11/1998	Fox et al.	705	10	
	AE3	6,021,402	02/2000	Takriti	705	412	
	AF3	6,418,417	07/2002	Corby et al.	705	35	
	AG3	6,584,447	06/2003	Fox et al.	705	10	
	AH3						
	AI3						
	AJ3						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3						Yes No
	AM3						Yes No
	AN3						Yes No
	AO3						Yes No
	AP3						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	3	Ehrenberg, A.S.C. et al., "The After-Effects of Price-Related Consumer Promotions", <i>Journal of Advertising Research</i> , Advertising Research Foundation, Vol. 34, No. 4, pp. 11-21 (July/August 1994).	
AS	3	Engle, R.F. et al., "Modelling Peak Electricity Demand", <i>Journal of Forecasting</i> , John Wiley & Sons, Vol. 11, No. 3, pp. 241-251 (April 1992).	
AT	3	Gotschall, Mary G., "Bullish on weather," <i>Electric Perspectives</i> , Washington, Vol. 23, No. 5, p. 30, 8 pgs (September/October 1998).	

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	AA4						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4						Yes No
	AM4						Yes No
	AN4						Yes No
	AO4						Yes No
	AP4						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	<u>4</u>	Hunter, R., "Forecast for Weather Derivatives: Hot Derivatives Strategy," May 1999, pp. 1-6, XP002133864, as printed from http://derivatives.com/magazine/arrive/1998/0598feal.asp p. 1, line 1--p. 6, line 9.	
AS	<u>4</u>	Hurrell, M., "The Weather Business," <i>Intercity</i> , pp. 29, 31 and 32 (February 1991).	
AT	<u>4</u>	IMREX Demand Forecasting System Product Description, Printed from DIALOG File No. 256, 1 page (1984 - Product Release Date).	

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	AA5						
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FOREIGN PATENT DOCUMENTS							
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	AL5						Yes No
	AM5						Yes No
	AN5						Yes No
	AO5						Yes No
	AP5						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>5</u>	Jensen, C. and Anderson, L. <i>Harvard Graphics: The Complete Reference</i> , Osborne McGraw-Hill, pp. 5, 16, 17, 126-129 and 737-747 (1990).
AS	<u>5</u>	Lucchetti, A., "Cold Winter On the Way? Some bet on it," <i>Wall Street Journal</i> , November 6, 1997.
AT	<u>5</u>	Malliaris, M., "Beating the Best: A Neutral Network Challenges the Black-Scholes Formula," <i>Proceedings of the Conference on Artificial Intelligence for Applications</i> , US, Los Alamitos, IEEE Comp. Soc. Press, 1993, pp. 445-449, XP000379639, ISBN: 0-8186-3840-0, p. 445, col., 1, line 16, p. 446, col. 1, line 17.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA6						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL6						Yes No
	AM6						Yes No
	AN6						Yes No
	AO6						Yes No
	AP6						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	<u>6</u>	Microsoft Access User's Guide, Microsoft Corporation, pp. 22-27, 36-39, 326-335, 370-372 and 395-447 (1992).	
AS	<u>6</u>	Microsoft Excel User's Guide, Microsoft Corporation, pp. 280-281, 596-601 and 706-709 (1993).	
AT	<u>6</u>	Mitchell, R. et al., "Where No Computer Has Gone Before: Massively Parallel Processing Promises Unparalleled Performance," <i>Business Week</i> , McGraw-Hill, pp. 80-84 and 88 (November 25, 1991).	

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	AA7						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL7						Yes No
	AM7						Yes No
	AN7						Yes No
	AO7						Yes No
	AP7						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>7</u>	"Origins of Option Pricing Techniques," "The Black and Scholes Model," "The Black and Scholes Model," and "Graphs of the Black Scholes Model," as printed from http://bradley.bradley.edu/about.arr/bsm , April 9, 1997, (8 pages).
	AS	<u>7</u>	Schwartz, S., "Modeling tools aid in financial risk management," <i>Insurance & Technology</i> , Vol. 21, No. 4, pp. 20-21 (April 1996).
	AT	<u>7</u>	Stix, G., "A Calculus of Risk," <i>Scientific American</i> , pp. 92-97 (May 1998).

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	AA8						
	AB8						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL8						Yes No
	AM8						Yes No
	AN8						Yes No
	AO8						Yes No
	AP8						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	8	Studwell, A., "Weather Derivatives," 11 th Conference on Applied Climatology, January 10-15, 1999, pp. 36-40, XP00089822, p. 36, col. 1, line 1-p. 40, col. 1, line 33.	
AS	8	The Weather Initiative, (Brochure), The Met Office, 23 pages (1990).	
AT	8	Turvey, C. G., "Weather Derivatives and Specific Event Risk," August, 1999, pp. 1-11, XP002133865, as printed from http://agecon.lib.umn.edu/aaea99/sp99/sp99/tu02.pdf , p. 2, line 1, p. 8, line 2.	

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	AA9						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL9						Yes No
	AM9						Yes No
	AN9						Yes No
	AO9						Yes No
	AP9						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	9	Turvey, Calum, "Weather Derivatives for Specific Event Risks in Agriculture," <i>Review of Agricultural Economics</i> , American Agricultural Economics Association, Vol. 23, No. 2, pp. 333-51 (Spring/Summer 2001).
	AS	9	Upbin, B., "Betting against God," <i>Forbes</i> , Vol. 162, No. 1, p. 108(1) (July 6, 1998).
	AT	9	English-language Abstract of Japanese Patent Publication No. 01-236396, from http://www1.ipdl.jpo.go.jp , 1 Page (September 21, 1989 - Date of publication of application).

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	AA9						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL9						Yes No
	AM9						Yes No
	AN9						Yes No
	AO9						Yes No
	AP9						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>10</u>	English-language Abstract of Japanese Patent Publication No. 01-259488, from http://www1.ipdl.jpo.go.jp , 1 Page (October 17, 1989 - Date of publication of application).
	AS	<u>10</u>	English-language Abstract of Japanese Patent Publication No. 02-268396, from http://www1.ipdl.jpo.go.jp , 1 Page (November 2, 1990 - Date of publication of application).
	AT	<u>10</u>	English-language Abstract of Japanese Patent Publication No. 02-299059, from http://www1.ipdl.jpo.go.jp , 1 Page (December 11, 1990 - Date of publication of application).

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	AA9						
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	AL9						Yes No
	AM9						Yes No
	AN9						Yes No
	AO9						Yes No
	AP9						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	11	English-language Abstract of Japanese Patent Publication No. 04-077896, from http://www1.ipdl.jpo.go.jp , 1 Page (March 11, 1992 - Date of publication of application).	
AS	11	English-language Abstract of Japanese Patent Publication No. 04-135271, from http://www1.ipdl.jpo.go.jp , 1 Page (May 8, 1992 - Date of publication of application).	
AT	11	English-language Abstract of Japanese Patent Publication No. 04-353970, from http://www1.ipdl.jpo.go.jp , 1 Page (December 8, 1992 - Date of publication of application).	

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	AM9						Yes No
	AN9						Yes No
	AO9						Yes No
	AP9						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	12	English-language Abstract of Japanese Patent Publication No. 05-189406, from http://www1.ipdl.jpo.go.jp , 1 Page (July 30, 1993 - Date of publication of application).	
AS	12	English-language Abstract of Japanese Patent Publication No. 06-076161, from http://www1.ipdl.jpo.go.jp , 1 Page (March 18, 1994 - Date of publication of application).	
AT	12	English-language Abstract of Japanese Patent Publication No. 06-149833, from http://www1.ipdl.jpo.go.jp , 1 Page (May 31, 1994 - Date of publication of application).	

EXAMINER	DATE CONSIDERED
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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1481.0240000	APPLICATION NO. 09/641,394
	APPLICANTS Machado Jr. et al.	
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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA9						
	AB9						
	AC9						
	AD9						
	AE9						
	AF9						
	AG9						
	AH9						
	AI9						
	AJ9						
	AK9						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL9						Yes No
	AM9						Yes No
	AN9						Yes No
	AO9						Yes No
	AP9						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>13</u>	Copy of International Search Report from PCT Appl. No. PCT/US99/23452, 5 pages, mailed Jun. 4, 2000.
	AS	<u>13</u>	
	AT	<u>13</u>	

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